UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,321	01/12/2001	Norimasa Niiya	04329.2495	9116

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EXAMINER
TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

  If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____ .

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

  a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4 and 5* .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mano et al (5,319,700 hereinafter Mano) in view of Best et al (6,005,846 hereinafter

Best).

Regarding claims 1, 5, 9-10, 12 and 14. Mano teaches a an interface unit (9,11,

13, 15, 17 and 19 figure 1, col. 3 lines 1-25) capable of being connected to a main unit

of a key telephone system (1 figure 1), the main unit connecting a telephone terminal

(27 figure 1) to a telephone network (25 figure 1), the interface unit being adapted to be

communicated with the telephone terminal at one of plural transmission speeds (col. 1

lines 13-65, see figure 4 wherein "PING-PONG" communications is employed by using

the D-Channel to select "low level" or "high level"--column 6 line 66+), the interface unit

comprising:

Mano does not explicitly show using a query signal to determine the type of

communication speed required for communication and changing the transmission speed

based upon the type of communication speed required.

Best teaches and an apparatus for an improved ISDN terminal adaptor having

automatic service profile identifier (a.k.a. SPID) configuration so that the subscriber

does not have to manually enter the SPID provided by the subscribers telephone

company (columns 1-2). Best also discloses "autobaud" capability as well as

eliminating baud rate blocking that occurs when a subscriber using a conventional ISDN

terminal (i.e. low baud rate) moves the adapter to a different computer. In other words,

when a subscriber moves a conventional ISDN terminal that was preset either by the

factory or the subscriber to a predefined baud rate, the terminal adaptor and computer

will not communicate until baud rates match (columns 1-4). Best overcomes the

problems associated with conventional ISDN terminals by using the D-channel to

indicate baud type and message responses (col. 4 line 20 – col. 5 line 15, col. 15 lines

37-67, col. 16 lines 1-3, col. 17 lines 8-67, col. 18 line 59 – 30 line 47). More

specifically, the inventive terminal adaptor automatically detects the type of ISDN switch

to which the adaptor is and configures the SPID correctly for that particular switch,

provides both baud rate unblocking and automatic data compression (columns 1-14).

Therefore, it would have been obvious for any one of ordinary skill in the art at

the time the invention was made to modify the invention as taught by Mano to use an

improved adaptor using the D-channel for "autobaud" capability as taught by Best for

the benefit of automatically setting transmission rate.

Regarding claims 2-4, 6-8. Mano does not disclose the second speed is faster

than the first speed, the plural transmission speeds includes at least two speeds, or the

second transmitter transmits the speed change request.

Best teaches and an apparatus for an improved ISDN terminal adaptor having

automatic service profile identifier (a.k.a. SPID) configuration so that the subscriber

does not have to manually enter the SPID provided by the subscribers telephone

company (columns 1-2). Best also discloses "autobaud" capability as well as

eliminating baud rate blocking that occurs when a subscriber using a conventional ISDN

terminal (i.e. low baud rate) moves the adapter to a different computer. In other words,

when a subscriber moves a conventional ISDN terminal that was preset either by the

factory or the subscriber to a predefined baud rate, the terminal adaptor and computer

will not communicate until baud rates match (columns 1-4). Best overcomes the

problems associated with conventional ISDN terminals by using the D-channel to

indicate baud type and message responses (col. 4 line 20 – col. 5 line 15, col. 15 lines

37-67, col. 16 lines 1-3, col. 17 lines 8-67, col. 18 line 59 – 30 line 47). More

specifically, the inventive terminal adaptor automatically detects the type of ISDN switch

to which the adaptor is and configures the SPID correctly for that particular switch,

provides both baud rate unblocking and automatic data compression (columns 1-14).

Therefore, it would have been obvious for any one of ordinary skill in the art at

the time the invention was made to modify the invention as taught by Mano to use an

improved adaptor using the D-channel for "autobaud" capability as taught by Best for

the benefit of automatically setting transmission rate.

Regarding claims 11 and 13. Mano does not disclose causing the telephone

terminal set an operation speed to the optimum speed based on the detected result of

the detector.

Best teaches and an apparatus for an improved ISDN terminal adaptor having

automatic service profile identifier (a.k.a. SPID) configuration so that the subscriber

does not have to manually enter the SPID provided by the subscribers telephone

company (columns 1-2). Best also discloses "autobaud" capability as well as

eliminating baud rate blocking that occurs when a subscriber using a conventional ISDN

terminal (i.e. low baud rate) moves the adapter to a different computer. In other words,

when a subscriber moves a conventional ISDN terminal that was preset either by the factory or the subscriber to a predefined baud rate, the terminal adaptor and computer will not communicate until baud rates match (columns 1-4). Best overcomes the problems associated with conventional ISDN terminals by using the D-channel to indicate baud type and message responses (col. 4 line 20 – col. 5 line 15, col. 15 lines 37-67, col. 16 lines 1-3, col. 17 lines 8-67, col. 18 line 59 – 30 line 47). More specifically, the inventive terminal adaptor automatically detects the type of ISDN switch to which the adaptor is and configures the SPID correctly for that particular switch, provides both baud rate unblocking and automatic data compression (columns 1-14).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the invention as taught by Mano to use an improved adaptor using the D-channel for "autobaud" capability as taught by Best for the benefit of automatically setting transmission rate.

Conclusion

2.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

---(6,424,636) Seazholtz et al is considered pertinent for **having similar independent claims** (see all independent claims starting on column 17).

---(6,195,359) Eng et al is considered pertinent for using new modems **instead of legacy devices communicating at slower speeds**. In other words, Eng et al also uses querying/response signals (via D-channel call control) to determine optimum transmission speed.

---(5,491,720) Davis et al is considered pertinent and was cited by Eng et al (6,195,359 listed directly above).
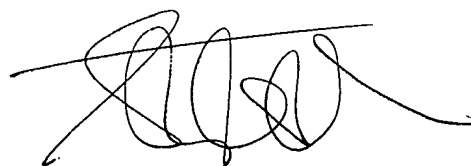
---(5,943,364) Yoshida is considered pertinent for setting transmission rates based on send and received messages.

---(6,389,065) McGhee is considered pertinent for an adaptive rate communication system wherein if the date rate is optimal, then, the equipment continues to operate at the current data rate. Otherwise, it can be determined what change should be made (i.e. move to higher or lower baud rate).

3.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

STELLA WOO
PRIMARY EXAMINER